

Rule 3018-1

BALLOTS -- VOTING ON PLANS

(a) It shall be the responsibility of the attorney for the proponent of the Chapter 11 plan to tabulate the acceptance and rejections for the plan. This tabulation shall be filed and served on the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104 not later than ninety-six (96) hours prior to the time set for the hearing on confirmation. The tabulation shall list for each class, the total number of claims voting, the total number of claims accepting, the total dollar amount of claims voting, total dollar amount of claims accepting, percentages of claims voting that accept the plan and percentage of dollar amount of claims voting that accept the plan. It shall be indicated for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

(b) The form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court. The Clerk's Office shall scan all ballots as one image and docket in the Court's Electronic Filing System before the confirmation hearing thus making the ballots viewable. Any ballots received after the last day to file ballots shall be scanned and filed in CM/ECF as a late filed ballot and its inclusion in the ballot tabulation shall be left to the discretion of the judge.

(c) In tabulating the ballots, the following rules shall govern:

(1) Ballots that are not signed or where a company name is not shown on the signature line will not be counted either an acceptance or rejection.

(2) Where the amount shown as owed on the ballot differs from the schedules and a proof of claim has been filed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting. If no proof of claim has been filed the amount shown on the schedules must be used.

(3) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection.

(4) Ballots that are filed after the last date set for filing for ballots will not be counted as either an acceptance or rejection, unless leave of Court is granted.

(5) Where duplicate ballots are filed and one elects acceptance and one elects rejection, neither ballot will be counted unless the later one is designated as amending the prior one.

Notes of Advisory Committee

2004 Amendment

This amendment 3018-1(b) clarifies how ballots will be submitted to the court and how they will be maintained by the Clerk's Office.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.05(b) through (d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 3.05(b) has been amended to provide that service of the ballot tabulation shall be on the Office of the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104. The other amendments to Local Rule 3.05(b) are stylistic. No substantive change is intended.

A new provision has been added as Local Rule 3.05(c) requiring that the form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court.

The amendments to Local Rule 3.05(d)(1), (d)(3), and (d)(4) are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.